

House Bill 838

By: Representatives Cox of the 102<sup>nd</sup>, Morris of the 155<sup>th</sup>, Lewis of the 15<sup>th</sup>, Rice of the 51<sup>st</sup>,  
Meadows of the 5<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 1 of Title 16 of the Official Code of Georgia Annotated, relating to general provisions relative to crimes and offenses, so as to provide enhanced penalties for committing a felony by a person in this country illegally; to provide that the commission of a misdemeanor while in this country illegally shall be a felony and to provide a penalty; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 1 of Title 16 of the Official Code of Georgia Annotated, relating to general provisions relative to crimes and offenses, is amended by adding a new Code section to read as follows:

"16-1-12.

(a) Any provision of law to the contrary notwithstanding, any person who commits a felony while in this country illegally shall serve five years in prison in addition to any other penalties provided by law; provided, however, that if a firearm is used in the commission of such felony, the person shall serve an additional ten years in prison.

(b) Any provision of law to the contrary notwithstanding, any person who commits a misdemeanor while in this country illegally at the time of the commission of such misdemeanor shall be guilty of the offense of criminal activity while undocumented, and any person convicted of such offense shall serve not less than two years in prison in addition to any other punishment provided by law; provided, however, that if a firearm is used in the commission of such offense, the person shall serve an additional ten years in prison.

(c) The penalties provided by this Code section shall not be probated."

**SECTION 2.**

All laws and parts of laws in conflict with this Act are repealed.